

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION

JARELL D. TERRY
ADC #149998C

PLAINTIFF

v.

No: 2:20-cv-66-DPM-PSH

CALVIN ARNETT, Sergeant, EARU;
DOUGLAS SWINEY, Lieutenant, EARU;
ROOSEVELT BEARDEN, Captain, EARU;
AMANDA GRANGER, Former Lieutenant,
EARU; BERNARD HAMILTON, JR., Sergeant,
EARU; KENYON RANDLE, Major, EARU;
TIANTHA WESTBROOK, Sergeant, EARU;
DENNIS UGBAJA, Corporal, EARU;
and JAMIE LEAK, Corporal, EARU

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Harris's partial recommendation, *Doc. 57*, and overrules Terry's objections, *Doc. 67–68*. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). If Terry wants to allege new or different facts or request more specific relief, then he must seek and get permission to amend his complaint. He can't add facts or relief in his objections or addenda. *Doc. 68–71*. Motion to strike, *Doc. 73*, denied as moot.

The Court directs the Clerk to docket Terry's response, *Doc. 44*, as an addendum to his complaint. Terry's motion to reinstate his claims against Lewis, *Doc. 54*, is denied. Terry's motion to dismiss his claims

against Swiney, *Doc. 53*, is granted. Those claims are dismissed without prejudice. Terry's motion for partial summary judgment, *Doc. 50*, is denied without prejudice as moot.

Defendants' motions to dismiss, *Doc. 6 & 21*, are partly granted and partly denied. Terry's Eighth Amendment claims against Arnett, Granger, Hamilton, and Randle in their individual capacities proceed. All other claims and Defendants are dismissed without prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

2 November 2020